

Fort Worth Daily Gazette.

Successor to the Democrat-Advance.

FORT WORTH, TEXAS, WEDNESDAY, MARCH 21, 1883.

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AUSTIN.

Resolution Adopted by the Senate to Discharge all the Committee Clerks.

Amendment of the Joint Resolution Amending the Constitution Relative to the Judiciary.

House Resumes its Former Activity and Disposes of Several Important Measures.

Consideration of the Land Bill Resumed—Adjournment not Thought Of—Legislative Gossip.

Special to the Gazette.

Austin, March 20.—Mr. Fowler introduced a resolution to discharge all the committee clerks and authorizing the president to appoint an assistant clerk for enrolling and engrossment committee.

The resolution was amended so as to provide for the appointment of three clerks when necessary and adopted.

Mr. Traylor introduced a bill to amend the out-standing land claims.

Mr. Gibbs introduced a resolution authorizing the secretary of state to ask the clerk of the United States for reports of the supreme court of Texas.

Referred.

House returned to the joint resolution amending the constitution relating to the sale of land set aside to the several states.

Mr. Gibbs offered to amend this section, giving actual settlers a fair right purchase by inserting "provided they are residing on the land at the time it is set aside." Lost and the resolution passed to third reading.

The joint resolution amending the constitution relative to the judiciary bill before the senate.

Mr. Davis offered to amend by fixing term of supreme judges at six instead of eight. Lost.

Mr. Martin offered to amend by fixing out the section fixing salary.

Mr. Traylor offered to amend by fixing the salary at \$3,000 instead of \$2,000.

Mr. Cooper offered a substitute for amendments striking out \$5,000 inserting "such sum as may be prescribed by the legislature."

Lengthy discussion followed pending Mr. Cooper withdrew his substitute and offered one to strike \$5,000 and insert "such amount as may be prescribed by law and until otherwise provided the salary shall be \$2,000." Adopted.

Mr. Evans offered to amend so as to all sessions of the court at Austin. Passed. Yeas, 17; nays, 8.

Mr. Davis offered to amend by striking out: "The legislature may confer the court original exclusive jurisdiction to issue writs of mandamus against the governor in cases not to be specified by law."

Adopted.

The bill was then amended to conform to the amendment fixing the section was taken up.

Mr. Harris offered to amend that in arrest of judgment shall be defects in indictments. Adopted.

Mr. Jones offered to amend by giving the court jurisdiction over cases filed in criminal district courts.

Adopted.

Adjourned till 3 p. m.

AFTERNOON SESSION.

Mr. Patton, from the committee on affairs, reported unfavorably the proposition fixing the day of adjournment on Saturday, the 31st instant; probably to prevent the adulteration of food and liquors; favorably fixing bond of the state treasurer at \$500,000, with an amendment fixing it at \$1,000,000.

The land bill pending at adjournment was taken up and an amendment adopted to conform the bill to amendment fixing the court at Austin.

Mr. Harris offered to amend providing for special terms of the district courts. Adopted.

Mr. Davis offered to amend by fixing salary of district judges at \$2,500, otherwise prescribed by law.

Adopted.

Mr. Harris offered to amend by fixing out the section giving district judges the power to hold special terms by giving thirty days' notice.

Adopted.

Mr. Gibbs offered to amend that he may be district attorney and adding that when there is now the fees may be performed by the county clerk.

Adopted.

Mr. Rice offered a substitute that the legislature may also provide for county attorneys when there are no district attorneys. Lost.

Mr. Davis offered a substitute that the legislature may provide for the election of district attorneys in districts where there is no resident district attorney. Lost.

Mr. Gibbs offered to amend by providing for the election of county attorneys. Adopted.

power to confer jurisdiction upon courts. Adopted.

Mr. Gooch moved to reconsider the vote. Carried.

The vote recurring, on amendment to strike out was lost.

Pending further discussion the senate adjourned.

House.

The bill restoring the jurisdiction of the county courts of Barnett and Comanche counties was called up, under motion of Mr. Acker to reconsider its passage. Burnett was struck out and Dewitt inserted, and the bill as amended passed.

Mr. Armstrong moved to postpone the pending business to take up the substitute bill, an act to provide for the organization of a board to direct, supervise and control the work of obtaining and presenting statements, accounts and abstracts showing the amount and character of claims of the state of Texas against the government of the United States for moneys expended by said state in protecting her frontiers; to prepare proper vouchers and to obtain and present necessary proof in support of said claims as required by the act of congress to authorize the secretary of the treasury to examine and to report to congress the amount of the claims of the state of Texas, Colorado, Oregon, Nebraska, California, Kansas and Nevada and the territories of Washington and Idaho, for moneys expended and indebtedness assumed by said states and territories, in repelling invasion; to provide means and employ the necessary clerical force to enable said board to discharge its duties and to make appropriations to pay the expenses of the same.

After being considered in committee of the whole the bill was read the third time and passed.

The bill for protection of fish and game was taken up and after being amended was recommitted.

Mr. Chenoweth called up the bill to fix and equalize the compensation of tax assessors and it was passed to a third reading.

House bill requiring ringing of locomotive bells at public crossings was taken up and the senate amendments concurred in.

The public weigher bill was called up and after being amended was passed.

The following counties are exempted from the bill: Fayette, Caldwell, Guadalupe, Marien, Harrison, Cass, Kaufman, Polk, San Jacinto, Bowie, Gilmer, Bastrop, Webb, Zapata, Starr, Hidalgo, Blanco, Haynes, Morris, Cameron, Leon, Madison, Jasper, Tyler, Newton, Greer and Henderson.

Mr. Cochran called up the bill to amend the charter of the city of Dallas.

Mr. Hill offered an amendment that the new territory known as East Dallas shall not be responsible for debt already incurred by the city of Dallas. After a lengthy discussion by Messrs. Cochran, Hill and Douglass the amendment was lost and the bill passed.

Mr. Nash moved a reconsideration and had his motion spread on the journal.

Mr. Rosenthal called up the bill amending the school law. It provides that trustees shall make contracts with teachers basing such contracts on the number of registered pupils in each community, to determine salaries at the following rates: To teachers holding first-class certificates, not more than \$2.50, to those holding second-class certificates not more than two dollars and to those holding third-class certificates not more than one dollar and fifty cents per month per capita for pupils within the school age. It shall not be lawful to demand as a condition of admittance in school, the payment of extra tuition for pupils within the scholastic age, provided that in no event shall a teacher holding a first-class certificate receive from the public free school fund more than \$75 per month, those holding second-class certificates of more than \$50, and those holding third-class certificates of more than \$35 per month, provided, however, that should the attendance fall below fifty per cent of the registered pupils in such communities, the trustees thereof may discontinue the school. The bill also provides for the transfer of pupils from one community to another by the county judge. It also regulates the examination of teachers, issuance of certificates, etc.

An amendment by Mr. Foster of Grayson authorizing the state board to fix uniform text books was adopted.

An amendment by Mr. Jones revoking certificates to teachers for the offense of drunkenness was adopted.

The bill was then read a third time, under suspension of the rules.

On motion of Mr. McKinney the amendment of Mr. Foster of Grayson relative to the text books was stricken out and after being immaterially amended the bill passed.

The house resumed consideration of the land bill the question being on the adoption of the eighteenth section.

Pending consideration the house adjourned until 3 o'clock.

AFTERNOON SESSION.

Mr. Browning called up the bill creating the land districts of Wheeler, Oldham and Donley. The committee offered an amendment by adding the Wilbarger district. The districts are composed as follows: Wheeler, Green, Collin, Worth, Gray, Hutchinson, Hansford, Ochiltree, Roberts, Hemphill and Lipscomb. The Oldham district: Oldham, Sherman, Moore, Potter, Farmer. The Donley district: Donley, Carson, Armstrong, Swisher, Floyd, Briscoe, Hall, Childress and Randall. The Wilbarger district: Wilbarger, Hardeman and Cottle. The bill passed.

Mr. Matthews introduced a petition from the citizens of Grayson asking the passage of the bill for uniform weights per bushel.

Mr. Wortham called up the bill requiring tax-collectors to make quarterly reports to the comptroller, and the same was passed.

The land bill was taken up.

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The question being on Mr. Franks' amendment to strike out of section eight, the advertising and second advertising feature. The amendment was lost.

An amendment by Mr. Frymier to strike out the feature considering the application of the first bid unless it be raised and providing for the sale to actual settlers was adopted.

An amendment by Mr. Jones was adopted requiring applicants to accompany their bids with money for the advertising fee and one-third of the purchase money.

An amendment by Mr. Stagner was adopted requiring the purchaser to accompany the application with an affidavit of the actual settler.

An amendment by Mr. Frymier that the payment be made direct to the state treasury was lost.

Mr. Foster of Grayson offered to substitute providing in effect that the purchaser be required to pay one-third of the principal with interest for one year at the rate of four per cent per annum.

Mr. Nash offered an amendment to the substitute requiring the money to be sent direct to the treasury.

The substitute as amended was adopted.

Mr. Moore of Eastland offered an amendment providing that purchasers may at their option pay all the principal at any time.

After a long discussion Mr. Chambers of Tarrant offered a substitute for Mr. Moore's amendment, pending which the house adjourned.

Notes.

The chairman of the committee says the contingent funds are nearly exhausted. A comparison shows that the senate has been more extravagant than the house in the uses of this fund except in its patronage to newspapers.

Final adjournment appears to get further off the more it is discussed. The senate committee killed the resolution to quit on the 31 and the house is so far behind that it will be hard to bring about any adjournment very early.

The proposition to tie up land legislation entirely until next session appears to be gaining strength. Should the idea finally prevail, Mr. Kendall's bill will come in just in the right place.

The Zion Co-operation Association Patrons of Husbandry or Grimes county, filed a charter; also the Mascotte Club of San Antonio.

The governor to-day pardoned a man named Fossett to take effect one day before his sentence expires.

Some time ago a Mexican consul at Brownsville refused to answer a summons to Corpus Christi as a witness.

Governor Ireland rather than assert the authority of the state to attach through the secretary of state. The minister ordered the consul to obey the summons.

The comptroller to-day cancelled \$10,000 worth of Galveston county bonds issued to the Gulf, Colorado & Santa Fe railroad.

Receipts at the treasury to-day for public lands were quite large.

Col. Wm. Yarbell of the Seguin Times, W. Alex. Abney of the Longview Democrat, D. C. Williams of the Miners' Journal, A. W. Riedly, of the Miners' Journal, L. S. A. Tishburn, of the Miners' Journal and L. D. Lillard, of the Fairfield Recorder are in the city to attend a meeting of the executive committee of the Texas Press Association, in compliance with President Gosling's call published a few days since. The committee will meet to-night at the Raymond House.

Galveston.

The Switch Engine Accident—Death of Mrs. John Ochiltree's Appointment—Dissatisfaction.

Special to the Gazette.

Galveston, March 20.—The switch engine which jumped the track mortally injuring one man and severely wounding another, was raised from the trestle works and conveyed to the machine shop badly broken up. A large force of hands were at once placed at work. Night trains will arrive at the union depot as usual to-night. Railroad traffic to-day in consequence of the accident, all trains in and out arrived and departed from the old depot foot of Market street to-day.

Alderman John A. Cotter was, through the influence of Ochiltree, appointed inspector of hulls, vice Captain Hurd, deceased, by Captain J. L. Norton to-day and has tendered his resignation as alderman from the Sixth ward. This does away with the election contest from that ward.

At 1 p. m. to-day at the residence of her husband, Mr. N. N. John, Mrs. Hannah A. John expired in her sixty-sixth year. Funeral services will take place at four p. m. to-morrow.

The officers appointed and confirmed by the council last night, with few exceptions, give general dissatisfaction and are condemned by Mayor Fulton's best friends.

Emma Bond.

Taylorville, Ill., March 20.—In her rational moments Emma Bond has confirmed the theory that two masked men carried her from her sick room and from other evidence, her father and physician are convinced that the theory is a correct one, to prevent her appearance before the grand jury.

Suspended.

Denver, March 20.—The Exchange Bank of Denver suspended this morning. The bank was never strong and the failure creates little surprise. Other banks are not affected.

Private Hangings.

Nashville, Tenn., March 20.—The bill passed the legislature to-day abolishing public executions in Tennessee.

ready looking to this city. In ten months or by next fall President J.

WASHINGTON.

The Star Route Court Decides the Question of Evidence and General Brady Resumes.

His Impertinence Stuns the Mighty Gall of Judge Wylie and Prosecuting Counsel.

Secretary Folger Turns Up at Fortress Monroe Where the President Will Join Him.

A Lack of Appropriations Will Impair the Signal Service—Capital Notes.

Washington, March 20.—Ingersoll continued his argument in the star route trial this morning in opposition to the admission of evidence concerning the price of the route.

For the sake of argument he had assumed the charge was true.

The court said the question at issue was the relevancy of the offered evidence. If received it would only tend to prove the crime on Brady's part without his associates and that was not proper, for none of the defendants could be tried for individual crime under the indictment. Therefore the offer was excluded.

General Brady then resumed the witness stand. Some questions were asked about an outside route when Wills gave notice if the prosecution went outside the indictment and took up other routes, he would feel called upon to go into the subject at length.

The court replied that the rules of law could not be released merely to save time. That had long ago ceased to be a subject for consideration.

The inquiry turned upon the congressional investigation and the witness reiterated many of the answers given during its progress. Bliss asked if the witness knew what member of congress interested himself in the Mineral Park Piche route.

"I do."

Question—"Who?"

"I must decline to say."

Bliss again put the question and the witness said he had no objection to naming the persons who initiated the movement but he had objections to naming the persons who had concerned themselves to subsequent orders.

The Nevada senators and representatives and Utah delegation had interested themselves in the route, among other senators.

Bliss remarked the papers did not show the endorsements of any of the persons named. Witness was asked to explain his reasons for cutting down the service upon the Mineral Park Piche route, and restored it within the short time.

He said the service had been reduced because it was not properly executed. Afterward it was represented to them that great injustice had been done the contractors.

Bliss inquired who had represented that the reduction was injustice to the contractors.

"I believe that phase of the question was also presented with great stress by Senator Plumb of Kansas, who said he was a friend of the contractors, and knew injustice had been done them."

Witness was then asked by the sub-contractors, who delayed trips at the Colorado river, and that if the service was restored the contractor would make it a good service.

Bliss called attention to the fact that the reason given in the endorsement on the basis of restoring service did not mention the contractors, but referred only to the importance of the route as a connecting link in a railway system.

"Was that reason true?" he asked the witness, who responded in the affirmative. That was one of the reasons but not the greater reason.

Bliss abruptly—What had Senator Plumb, a Kansas senator, to do with this Arizona route.

Answer—He could probably answer that question more correctly than I can.

Various questions of a technical nature were put the witness regarding the different routes, such as his reasons for expediting a route to a certain number of hours. Many of his reasons he failed to recall but looking at the papers he would give such explanations of the circumstances as in his mind justified the orders. Where the service had been discontinued and a months extra pay allowed the contractor, although a mail had never been carried, the witness denied any knowledge of such fact.

He said even if the contractor was as stated by the counsel the contractor would have been justified in refusing to carry the mail on account of a misstatement of the distance.

Speaking of the affidavit on the Adairville route witness said he had not examined it far enough to see that it required every man mentioned to travel for four hours in every twenty-four. He was asked why he had not increased the compensation of the contractors on the Vermilion-Sioux Falls route as in the case of the Tongue river. He answered he was not aware that the distance in the first case was wrongly advertised. Bliss produced a distance circular showing the error. Witness declared he had never seen it before.

"Did you ever see any papers in the department that you did not want?" queried Bliss.

"Yes, but there were so many and upon such various subjects that I cannot remember them."

He added that in this case it was the duty of the corresponding clerk to have discovered and called attention to the circular.

Bliss showed that the order itself made the error apparent but the witness said French had made the error and that his endorsement had probably been written.

Bliss inquired why the Prescott-

Santa Fe route had been expedited under the Walsh contract.

Witness' recollection was the service had been expedited under McDonald and cut down when the latter failed and restored under Walsh. As showing his reason for making the order witness read from papers the recommendations of prominent persons looking to the increase of the service.

Bliss—"You suspended the service in May, 1881, didn't you?"

"I was not in the department at that date."

"Did you not suspend the service in March, 1881?"

"My impression is, I declared Walsh to be a failing contractor, but didn't suspend the service. I frequently had conversations with Walsh, sometimes at General Sheridan's house, Walsh's lounging place, but never by appointment. Sheridan was usually there. Witness frequently went and made himself at home, although Sheridan was absent. Never had any money transaction with Walsh who was always expressing his willingness to loan money but had asked Walsh to loan him some stock. Witness said that a letter produced by Bliss (the Chattanooga letter) was in his hand-writing.

Ingersoll objected to the reception of the bill because of its irrelevancy.

The court decided to admit the paper as it tended to show the business relations between Brady and Walsh. The letter was then read. It was a request for some loan of stock, and has been often published.

Witness said Walsh did not lend him the stock. He explained the term "ginger" used in the letter. It did not mean money, but just what he asked for—Chattanooga stock. Witness was told to buy it because it was going up, but it did not. So Walsh bought the stock, but when witness wished to borrow he said that he had sold it. The newspapers referred to were the *Republican*. He used the plural form because he expected to make it as good as two newspapers. He was at that time negotiating for the ownership of the *Capital*. He came into the *Capital* later on. The other business referred to was the Canadian lumber business of Vaughn, Brown & Company. Mr. Bliss wanted to know how Walsh and witness were to be benefitted by the proposed loan. He said he expected to run up the price of the Chattanooga stock which would have gotten a handsome profit and had a cart load himself. Witness swore no money had been deposited to his credit at Hatch & Foote's by Walsh. One of Price's drafts was produced and witness was asked if he had sent or delivered that draft to Walsh.

Ingersoll objected and characterized it as an attempt to get in by side-ways what they could not get in by the front door.

The court said it was only a question as to whether it tended to sustain Walsh's testimony.

Ingersoll maintained it was not a material point. He said the paper didn't bear Walsh's endorsement to show that it had passed through his hands and that it was proposed to fill up that gap with a little piece of perjury, although the same paper was concerned.

The court said it regarded the question as entirely different from that disposed of in the morning. It was now a question of whether it was intended to sustain or contradict Walsh.

Ingersoll argued the point with great earnestness and was followed by Merrick for prosecution.

He asserted it was not necessary for intermediate holders to endorse a postal draft. If Brady had done that he would have shown himself infinitely more stupid than he had shown himself to be upon cross-examination. The two men, Walsh and Brady, stood diametrically opposite each other in their statements and this tended to throw some light upon the situation. Several other counsel participated in the argument, but the decision was reserved until to-morrow.

Adjourned.

Capital Notes.

Secretary Folger's destination is Fortress Monroe, where he will remain several days for rest and recuperation. When the secretary left he was really a very sick man, suffering not only from his old malarial disorder, but from a serious stomach trouble as well.

The president will remain here to entertain ex-President Diaz and party, and will probably join Secretary Folger at Fortress Monroe the latter part of the week, from which point they will no doubt proceed to Florida.

The Honorable C. New was the only official in the treasury department who was thoroughly informed as to the secretary's plans.

The secretary of the treasury has called for a detailed statement of the condition of the treasury with the view to acting upon various propositions which have been submitted to him in regard to the future financial operations of the government.

The secretary of state has transferred to the secretary of the treasury the Japanese indemnity fund and the whole matter will now be settled without delay.

CORSICANA.

The Town Promised a New Evening Journal.

Special to the Gazette.

Corsicana, March 20.—The *Journal* is out with a prospectus threatening us with an evening daily paper with all the latest dispatches and commercial news. Having placed the *Journal* among the foremost weeklies of the state, it will be its editor's pride to make this compare with the leading dailies and supply a long felt want. The editor says he is not a creature of impulse, but that his energies and will power has been thoroughly tested since he has been in this place.

CHICAGO.

Arrival of General Diaz and Party—The Summer Rowing Meeting.

The Coming Municipal Election Creating Considerable Interest and Excitement.

Chicago, March 20.—General Barrio Diaz reached the city from St. Louis this morning. The reception committee was headed by President Hobbs of the board of trade, which went out to meet him and was carried beyond point arranged for the meeting of the two trains and returned to city two hours after the visitors arrived.

Mayor Harrison at the head of the general committee met the Mexican party and it was taken in carriages to the Palmer House where the mayor delivered an address. General Diaz replied in Spanish. The day was spent in viewing the public buildings and to-night General Diaz witnessed a review of the First Brigade, National Guards.

To-night he reviewed the First brigade of the Illinois National Guards, consisting of infantry, artillery and dismounted cavalry. This was followed by a public reception largely attended by the leading citizens, and a banquet at the Palmer House. To-morrow he will visit the South Park and stock yards.

The programme for the summer racing meeting of the Chicago Driving Park Association commences June 20th to 30th inclusive, and July 3 and 4. The Illinois Derby will be run July 3, and the Northwestern stakes and champion stakes on July 4. Races occur each day, and nine on July 4.

The Republican city convention meets Thursday to nominate candidates for mayor and other municipal officers. A week ago a meeting of citizens, without reference to political faith, was called and a committee appointed to nominate a full Independent ticket. After L. Z. Leiter and Judge Feeley, on the circuit bench, both Democrats, had declined, Rich and J. Crane, Republican, was nominated for mayor, but the committee has failed to nominate the remainder of the ticket. A mass meeting held Saturday night to endorse Crane was well attended and resolutions adopted inimical to the present city government. The twelfth ward, the strongest Republican ward in the city, declared for the straight party ticket and displayed opposition to Crane. The Republican papers are urging Crane upon the convention, but the opposition to him in the party is seeking to have E. B. Washburn or ex-Mayor Heath placed at the head of the regular Republican ticket. The Independent managers intimate that Crane will run whether endorsed by the party or not. The Democrats are awaiting the action of the Republican convention before placing a ticket in the field, but no one has been named for the head of the Democratic ticket outside of Harrison.

NEW YORK.

Arraignment of George W. Conkling the Murderer—Irish Relief.

New York, March 20.—Geo. W. Conkling who shot and killed Wilbur H. Havensick last night was arraigned to-day in the coroner's office. He is gentlemanly in appearance, bore himself bravely and outwardly with calmness and composure. The coroner decided to begin investigation to-day. Conkling's counsel claims the shooting was entirely justifiable; that the prisoner did it in defense of his sister in endeavoring to remove her from vicious surroundings and that